

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 05-cv-11012

Daniel E. Carpenter

v.

United States Department of Justice, et al

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 2/10/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on March 17, 2006.

Sarah A. Thornton, Clerk of Court

By   
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 3/17/06.



Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-11012-MEL**

Carpenter v. United States Department of Justice et al  
Assigned to: Senior Judge Morris E. Lasker  
Cause: 05:552 Freedom of Information Act  
Date Filed: 05/12/2005  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Daniel E. Carpenter**

represented by **Erin Boggs**  
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V.

**Defendant**

**United States Department of  
Justice**

represented by **Eugenia M. Carris**  
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**Defendant**

**United States Attorney for the  
District of Massachusetts**

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**William A. Collier**  
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*LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/12/2005	<u>12</u>	MDL Case transferred in from District of Connecticut; Case Number 3:05cv172AWT., filed by United States Department of Justice, United States Attorney for the District of Massachusetts.(Howarth, George) (Entered: 05/19/2005)
05/12/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Sorokin. (Howarth, George) (Entered: 05/19/2005)
05/19/2005	<u>13</u>	NOTICE of Appearance by Jack E. Robinson on behalf of Daniel E. Carpenter (Robinson, Jack) (Entered: 05/19/2005)
05/20/2005	<u>14</u>	MOTION to Transfer Case <i>to the Western Division</i> by Daniel E. Carpenter.(Robinson, Jack) (Entered: 05/20/2005)
05/23/2005	<u>15</u>	NOTICE of Appearance by Eugenia M. Carris on behalf of all defendants (Carris, Eugenia) (Entered: 05/23/2005)
06/01/2005	<u>16</u>	Opposition re <u>14</u> MOTION to Transfer Case <i>to the Western Division</i> filed by United States Department of Justice, United States Attorney for the District of Massachusetts. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Carris, Eugenia) (Entered: 06/01/2005)
06/02/2005	<u>17</u>	REPLY to Response to Motion re <u>14</u> MOTION to Transfer Case <i>to the Western Division</i> filed by Daniel E. Carpenter. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Robinson, Jack) (Entered: 06/02/2005)
06/13/2005		Judge Morris E. Lasker : ORDER entered denying <u>14</u> Motion to Transfer Case.Essentially for the reasons set forth in the government's memorandum in opposition as well as the consideration expressed in the opinion of Judge Thompson transferring the case to this district. (Howarth, George) (Entered: 06/15/2005)
06/17/2005	<u>18</u>	MOTION for Summary Judgment by Daniel E. Carpenter. (Robinson, Jack) (Entered: 06/17/2005)
06/17/2005	<u>19</u>	ADDENDUM re <u>18</u> MOTION for Summary Judgment filed by Daniel E. Carpenter. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit



		# <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit)(Robinson, Jack) (Entered: 06/17/2005)
07/01/2005	<u>20</u>	Cross MOTION for Summary Judgment by United States Department of Justice, United States Attorney for the District of Massachusetts.(Carris, Eugenia) (Entered: 07/01/2005)
07/01/2005	<u>21</u>	MEMORANDUM in Support re <u>20</u> Cross MOTION for Summary Judgment filed by United States Department of Justice, United States Attorney for the District of Massachusetts. (Attachments: # <u>1</u> Exhibit Declaration of John E. Boseker)(Carris, Eugenia) (Entered: 07/01/2005)
07/01/2005	<u>22</u>	STATEMENT of facts. (Carris, Eugenia) (Entered: 07/01/2005)
07/01/2005	<u>23</u>	Response by United States Department of Justice, United States Attorney for the District of Massachusetts to <i>Plaintiff's Statement of Material Facts</i> . (Carris, Eugenia) (Entered: 07/01/2005)
07/13/2005	<u>25</u>	MEMORANDUM of LAW in Opposition re <u>20</u> Cross MOTION for Summary Judgment filed by Daniel E. Carpenter. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Howarth, George) (Entered: 07/18/2005)
07/13/2005	<u>26</u>	Response by Daniel E. Carpenter to <u>22</u> Statement of facts. (Howarth, George) (Entered: 07/18/2005)
07/16/2005	<u>24</u>	Opposition re <u>20</u> Cross MOTION for Summary Judgment filed by Daniel E. Carpenter. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit)(Robinson, Jack) (Entered: 07/16/2005)
08/15/2005		NOTICE of Hearing on Motion <u>18</u> MOTION for Summary Judgment, <u>20</u> Cross MOTION for Summary Judgment: Motion Hearing set for 9/13/2005 10:30 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 08/15/2005)
08/30/2005		NOTICE OF RESCHEDULING the Motion Hearing which was set for September 13, 2005, the Motion Hearing is now set for 9/20/2005 02:30 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 08/30/2005)
09/13/2005	<u>27</u>	MOTION to Continue Hearing to 10/12/2005 by Daniel E. Carpenter.(Robinson, Jack) (Entered: 09/13/2005)
09/19/2005		NOTICE OF RESCHEDULING Motion Hearing which was

		set for Sept.20,2005,Motion Hearing is now set for 10/12/2005 11:00 AM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 09/19/2005)
10/12/2005	●	ElectronicClerk's Notes for proceedings held before Judge Morris E. Lasker : Motion Hearing held on 10/12/2005 re <u>18</u> MOTION for Summary Judgment filed by Daniel E. Carpenter,, <u>20</u> Cross MOTION for Summary Judgment filed by United States Department of Justice,, United States Attorney for the District of Massachusetts,,Argument were heard and taken under advisement. (Court Reporter none.) (Howarth, George) (Entered: 10/14/2005)
10/14/2005	●	ElectronicClerk's Notes for proceedings held before Judge Morris E. Lasker : Telephone Conference held on 10/14/2005.Court requests the gov't counsel to provide documents for in camera review.Gov't counsel request two weeks to product documents. Court grants the request.The documents are due by Friday, October 28, 2005. (Court Reporter none.) (Howarth, George) (Entered: 10/17/2005)
11/07/2005	● <u>28</u>	Judge Morris E. Lasker : ORDER entered denying <u>18</u> Motion for Summary Judgment, granting <u>20</u> Motion for Summary Judgment. For Full Text see Docket No. # [ 28 ] (Howarth, George) (Entered: 11/14/2005)
11/14/2005	● <u>29</u>	Judge Morris E. Lasker : ORDER entered. JUDGMENT in favor of Department of Justice,and U.S.Attorney for the District of Massachusetts against Daniel Carpenter(Howarth, George) (Entered: 11/14/2005)
11/22/2005	● <u>30</u>	MOTION for Reconsideration re <u>28</u> Order on Motion for Summary Judgment, by Daniel E. Carpenter.(Robinson, Jack) (Entered: 11/22/2005)
12/05/2005	● <u>31</u>	Opposition re <u>30</u> MOTION for Reconsideration re <u>28</u> Order on Motion for Summary Judgment, filed by United States Department of Justice. (Carris, Eugenia) (Entered: 12/05/2005)
12/09/2005	● <u>32</u>	SUR-REPLY to Motion re <u>30</u> MOTION for Reconsideration re <u>28</u> Order on Motion for Summary Judgment, filed by Daniel E. Carpenter. (Robinson, Jack) (Entered: 12/09/2005)
12/13/2005	●	Judge Morris E. Lasker : Electronic ORDER entered denying <u>30</u> Motion for Reconsideration, but Allowing Motion to file Memo. (Howarth, George) (Entered: 12/16/2005)

12/16/2005	33	Judge Morris E. Lasker : ORDER entered. Carpenter's Motion for Reconsideration is DENIED. For Full Text see Docket No. 33(Howarth, George) (Entered: 12/16/2005)
02/10/2006	34	NOTICE OF APPEAL by Daniel E. Carpenter. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/2/2006. (Robinson, Jack) (Entered: 02/10/2006)
03/03/2006	35	TRANSCRIPT ORDER FORM by Daniel E. Carpenter re 34 Notice of Appeal, (Attachments: # 1 Exhibit)(Robinson, Jack) (Entered: 03/03/2006)
03/15/2006	36	NOTICE of Appearance by Malick W. Ghachem on behalf of Daniel E. Carpenter (Ghachem, Malick) (Entered: 03/15/2006)